

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JENNIFER KILGORE, AND SHIRLEY HOWARD
INDIVIDUALLY AND ON BEHALF OF
ALL OTHERS SIMILARLY SITUATED**

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 1:25-cv-55-TBM-RPM

**THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT
AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL
AND ELECTED CAPACITY AND THE MOSS POINT
CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY,
INTELLISAFE, LLC, JOHN DOES 1-10,
AND ACME COMPAINES 1-10**

DEFENDANTS

MOTION TO DISMISS

COMES NOW, the Defendants, **THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL AND ELECTED CAPACITY AND THE MOSS POINT CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY** (“the City Defendants”), by and through their attorneys, and file this, their Motion to Dismiss, and move this Court to dismiss this cause for lack of standing and pursuant to Rule 12(b)(6) and Rule 9(b) with prejudice and at cost to the Plaintiffs. The City Defendants would respectfully show unto the Court, as follows:

I.

The Plaintiffs have failed to show that they meet all elements required to establish Article III standing to purse their class action suit and claims against the City Defendants. Further, the Plaintiffs have failed to adequately plead their constitutional claims against the City Defendants, their claim for punitive damages against the City of Moss Point is not cognizable, and they fail to allege their fraud

claim with particularity. The Court should dismiss this class action and all claims against the City of Moss Point, Mayor Billy Knight and the City Aldermen, and the Moss Point Chief of Police.

WHEREFORE, PREMISES CONSIDERED, the Defendants, **THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL AND ELECTED CAPACITY AND THE MOSS POINT CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY** respectfully request that this Court dismiss the claims asserted against them with prejudice and at cost to the Plaintiffs.

DATED this the 21st day of March, 2025.

Respectfully submitted,

BRYAN, NELSON, SCHROEDER,
CASTIGLIOLA & BANAHAN, PLLC
Attorneys for Defendants,

**THE CITY OF MOSS POINT, MAYOR
BILLY KNIGHT AND THE CITY
ALDERMEN, EACH IN THEIR
OFFICIAL AND ELECTED CAPACITY
AND THE MOSS POINT CHIEF OF
POLICE, IN HIS OFFICIAL CAPACITY**

BY: /s/ John A. Banahan
JOHN A. BANAHAN (MSB 1731)

**BRYAN, NELSON, SCHROEDER,
CASTIGLIOLA & BANAHAN, PLLC**
1103 Jackson Avenue (39567)
Post Office Drawer 1529
Pascagoula, MS 39568-1529
Tele: (228) 762-6631
Fax: (228) 769-6392
john@bnsch.com

CERTIFICATE OF SERVICE

I, **JOHN A. BANAHAH**, one of the attorneys for the Defendants, **THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL AND ELECTED CAPACITY AND THE MOSS POINT CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY**, do hereby certify that I have this date electronically filed the foregoing Motion to Dismiss with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

DATED: March 21, 2025

/s/ John A. Banahan

JOHN A. BANAHAH (MSB 1731)

**BRYAN, NELSON, SCHROEDER,
CASTIGLIOLA & BANAHAH, PLLC**
1103 Jackson Avenue (39567)
Post Office Drawer 1529
Pascagoula, MS 39568-1529
Telephone No. (228) 762-6631
Fax No. (228) 769-6392
john@bnsch.com